

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTHILDE BRZYCKI,

Plaintiff,

v.

HARBORVIEW MEDICAL CENTER, and  
UNIVERSITY OF WASHINGTON,

Defendants.

CASE NO. 2:18-cv-01582-MJP

**JOINT MOTION FOR ADDITIONAL  
MOTION *IN LIMINE***

NOTED FOR APRIL 9, 2020

Plaintiff Marthilde Brzycki (“Brzycki”) and Harborview Medical Center and Defendant University of Washington (collectively “the University”) jointly request leave for the parties to brief an additional issue via a defense motion *in limine*. The parties’ motions *in limine* were filed on March 2, 2020 pursuant to the Court’s Order Setting Trial Date & Related Dates (Dkt. 12). On March 13, 2020, the Court entered its Order denying both parties’ motions for summary judgment. (Dkt. 83). The Court’s Summary Judgment Order included the following finding:

The Court agrees with Defendants’ analysis of Plaintiff’s retaliation claim in the following regard: there is no evidence that protected activity by Plaintiff was the proximate cause of the investigation initiated on November 17, 2016. Plaintiff’s only protected activity prior to the onset of the investigation was her August 2015 UCIRO complaint, a complaint which did not involve O’Donohue (who was not even employed by Harborview at that point) and was made 15 months prior to the initiation of investigation. Proximity in time is critical to a retaliation claim; causation will not lie unless the “adverse employment action follows on the heels of protected activity.” Villiarimo, *supra* at 1065.

Court's March 13, 2020 Order On Motions for Summary Judgment (Dkt. 83), pp. 14-15 (quotes in original). Had the University received the Order prior to the filing deadline, it would have moved *in limine* to preclude Brzycki from presenting certain evidence and arguments relating to 2015. In light of the Court's finding, issued after the submission of motions in *limine*, the University desires to have this issue addressed by the Court before trial.

The parties have conferred by email and telephone in a good faith effort to resolve this issue and now jointly request leave to permit the University to move *in limine* on these issues and for Plaintiff to have an opportunity to respond to the same, pursuant to the following briefing schedule:

Date	Deadline
April 23, 2020	Deadline for Defendants' to file motion <i>in limine</i>
May 4, 2020	Deadline for Plaintiff's opposition
May 8, 2020	Noting Date

The briefing schedule will allow the parties to fully brief the issue for the Court in advance of the pretrial conference scheduled for May 19, 2020.

Stipulation dated this 9<sup>th</sup> day of April, 2020.

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**ORDER**

Pursuant to the above stipulation of the parties and for good cause, the Court hereby allows the University to submit a motion in *limine* and for Plaintiff to respond to the same on above issues and on the foregoing briefing schedule.

IT IS SO ORDERED this 13th day of April, 2020.

A handwritten signature in black ink, reading "Marsha J. Pechman", written over a horizontal line.

Marsha J. Pechman  
United States Senior District Judge

1 **CERTIFICATE OF SERVICE**

2 I, Dominique Barrientes, hereby certify that on April 13, 2020, I electronically filed the  
3 foregoing JOINT MOTION FOR ADDITIONAL MOTION IN LIMINE and proposed order with  
4 the Clerk of the Court using the CM/ECF system which will send notification of such filing to the  
5 following:

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16 *Attorneys for Plaintiff*

17 SIGNED this 9<sup>th</sup> day of April, 2020 at Seattle, Washington.

18 *s/Dominique Barrientes*  
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